

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
2ND FLOOR, CITY COUNCIL CHAMBERS
AUGUST 29, 2012
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "B" held a public hearing in City Council Chambers, 2nd floor of the City Hall Building on Wednesday, August 29, 2012 at 5:30 p.m. with the following members present:

Board Members Present:

Andrew Haggerty
Ira Barbe
Paul Gilcrease
Lorraine Huit
Matt Bohannon
Angel Miguel Ochoa
Michael Bray (alternate)
Conrad Conde (alternate)

Others Present:

Kurt Fenstermacher, Deputy Director
Bill Stern, Deputy Building Official
John Batoon, Assistant City Attorney
Tom Maguire, Chief Building Inspector
Nellie Avalos, Building Inspector
Kevin Harrell, Building Inspector
Trenda Rocha, Administrative Assistant
Nancy Spencer, Recording Secretary

Absent Members:

Gerardo Licon

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "B" was called to order by Chairman Andrew Haggerty at **5:30 p.m.**

Interested parties present to give testimony on the cases to be heard by the commission were sworn in by Chairman Andrew Haggerty.

II. Approval of minutes for the meeting held June 27, 2012.

Motion made by Ira Barbe seconded by Angel Miguel Ochoa to approve the minutes for the meeting held June 27, 2012, passed. Michael Bray abstained from vote.

Request made by Bill Stern, Deputy Building Official to move Item 5 to No. 4 and Item 4 to No. 5.

Motion to approve the changes to the agenda requested by Bill Stern made by Conrad Conde, seconded by Ira Barbe, unanimously carried.

Regular Items:

- III. Public hearings to advise the Building and Standards Commission that the owner of 146 Borunda Lane, in the City of El Paso, has been ordered by the Deputy Building Official of the City of El Paso to take emergency action to demolish the unsafe structure. The interested

party has been identified as John H. Trien d/b/a John Trien Realty and has been notified of this hearing.

Bill Stern, Deputy Building Official, read the item into the record.

The commission was informed that the property was located in a historic district. Mr. Stern also advised that he met with the property owner, Mr. John Trien and the demolition contractor, and Mr. Trien agreed to have the property demolished.

John Trien, property owner was present for discussion. He advised he bought property several years ago and found out that it was located in a historic district. The structure became infested with bees and after meeting with Mr. Stern, spoke with Mr. Tony De La Cruz from Historic Preservation requesting permission to demolish property.

Mr. Stern advised the commission that the Building official has the authority to supersede the Historic Landmark Commission when ordering demolition of a property whenever there is a safety factor involved.

- IV. Public hearing to determine if the property located at 2219 Bassett Avenue, in the City of El Paso, is a dangerous structure and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Ana Flores de Gomez and they have been notified of this hearing.

Bill Stern, Deputy Building Official, read the item into the record.

Nellie Avalos, Building Inspector presented the case.

Motion made by Joe Barbe, seconded by Michael Bray to accept staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken and therefore the Division recommends that it be found:

1. That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structures' certificate of occupancy be revoked; and
 4. That the structures cannot be rehabilitated; and
 5. That the structures be demolished within thirty (30) days; and
 6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- V. Public hearing to determine if the property located at 3330 Montana Avenue, in the City of El Paso, is a dangerous structure and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Millan Family, LP, Millan GP, LLC (General Partner), Attn: Felipe Millan, Manager, 5162 Willow Creek Circle, El Paso, Texas 79932; and United Bank OF El Paso Del Norte, ATTN: Joe R.

Fernandez, Trustee, 125 Mesa Hills Drive, El Paso, Texas 79912, and they have been notified of this hearing.

Bill Stern, Deputy Building Official, read the item into the record and presented the case.

The commission were informed of amendments made to the staff recommendations were amended. Mr. Stern advised that the owner submitted plans; however, the permits obtained were now expired. Item 4 on the original recommendations was to be deleted as the property owner was requesting the opportunity to rehabilitate the property even though staff believed the property cannot be rehabilitated.

Claudia Millan, property owner was present for discussion. Ms. Millan advised that in 2011, she had plans to fix the commercial structure located at the front facing Montana Avenue and also believes the apartments located behind the commercial building can be rehabilitated.

Joe Hernandez, trustee, United Bank of El Paso del Norte was present for discussion. He advised that he holds the lien on the property and requested additional time to allow the owner to complete the rehabilitation of the property.

Michael Bray asked Mr. Hernandez if a portion of the lien on the property could be released in order to be able to sell the front portion area of the property. Mr. Hernandez advised that the property would have to be subdivided before selling. Mr. Bray also asked if there was sufficient funding to rehabilitate the property and was advised there was.

Karen Marquez, legal representative for Mr. Felipe Millan asked for a 30 days extension.

Motion made by Michael Bray as amended, seconded by Ben Bohannon to accept staff recommendations with the amendment requested by Bill Stern, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken and therefore the Division recommends that it be found:

1. That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structures' certificate of occupancy be revoked; and
 4. That the structures be secured within thirty (30) days; and
 5. Secure the property with a fence; and
 6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- VI. Public hearing to determine if the property located at 1717 E. Missouri Avenue, in the City of El Paso, is a dangerous structure and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as Dunbar, Armendariz & Hegeman, Attn: Carman B. Hegeman, 1700 Stanton, El Paso, Texas, 79902, Martha Yerke-Strickland, 3516 Saint Johns Drive, Denton, Texas, 76210, Tanya Brown, 101 W. Superior #503, Chicago, Illinois, 60654,

Celeste Chavira, 117 Spring Drive, Jacksonville, North Carolina, 28540, Claudia Hernandez, 9515 Liberty Sound, Converse, Texas, 78109, Raul Hernandez, 3516 Saint Johns Dr., Denton, Texas, 76210-8780, Mercedes Hernandez, 1717 E. Missouri Avenue, El Paso, Texas, 79902, Aurora Hernandez LaPoint, 1717 E. Missouri Avenue, El Paso, Texas, 79902 and Enrique Hernandez, 1717 E. Missouri Avenue, El Paso, Texas, 79902 and they have been notified of this hearing.

Bill Stern, Deputy Building Official read the item into the record.

Kevin Harrell, Building Inspector presented the case.

Lorraine Huit asked staff if all interested parties had been notified and if there had been any response to the letters. Kevin Harrell replied that yes all owners were notified, however, no one had responded.

Leslie Canada from the Police Department advised that there had been numerous calls on the property and requested for the property to be secured.

A correction on the staff recommendations was made by Inspector Harrell advising that it should state structures instead of structure as there was more than one structure involved.

Motion made by Joe Barbe, seconded Paul Gilcrease to accept staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structure cannot be rehabilitated; and
5. That the structure be demolished within thirty (30) days, and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission, the City may take whatever action is necessary to bring the property into compliance and place a lien on the property for the work which will be done by the City.

VI. Adjournment

Motion made to adjourn the meeting by Michael Bray, seconded by Paul Gilcrease was unanimously carried. The meeting adjourned at 6:10.m.